

### ***Remarks***

Upon entry of the foregoing amendment, claims **18-27, 30-33, and 35-36** are pending in the application, with claims 18, 27, and 35 being the independent claims. Claims 1-17, 28-29, 34, and 37 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 27 has been amended in response to the current Office Action. Claim 35 has been amended to add clarity. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Objections to the Drawings***

On page 2, the current Office Action states that the drawings are objected to under 37 C.F.R. § 1.83(a). In particular, the Office Action states that "the uniform illumination of the platen whereby, all or part of a palm can be placed on the platen and an image representative of a palm print can be detected" is not shown in the drawings. Similarly, the Office Action states that "the uniform illumination of the platen, whereby, one or more fingers form one or two hands can be placed on the platen and an image representative of a corresponding fingerprint can be detected" is not shown in the drawings.

The language referenced by the Examiner is found in claims 13 and 14 and includes a "whereby" clause. Features recited in claims 13 and 14 are shown in the drawings.

Further, even the language of the whereby clauses relating to a platen receiving a palm or finger(s) (which are not necessarily "features" of claims 13 and 14, having been illustrated under 37 C.F.R. § 1.83(a)) are still shown in the drawings in the specification. For instance, FIGs. 3A-3C, 4, and 7-8 show a platen capable of receiving a palm or one or more fingers. Indeed, a finger on a platen 342 is depicted in FIGs. 4 and 7-8, and valleys and ridges on platen 342 are illustrated in FIG. 3B. These same figures assist in depicting uniform illumination of the platen as described throughout the specification. In addition, at least FIGs. 6A-6D assist in further describing the uniform illumination as described in the specification. FIGs. 3A-3B, 4, and 7-8 also depict optical systems that allow print images to be detected, as described in the specification in regard to those figures. Hence, for at least these reasons, Applicants submit all of the features specified in claims 13 and 14 are shown and the drawings comply with 37 C.F.R. § 1.83(a). However, claims 13 and 14 are sought to be cancelled, rendering the objection moot. Therefore, Applicants respectfully request that this objection be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 102***

The current Office Action states on page 2 that claims 1, 9, 10, 27, 28, 34, and 37 are rejected under 35 U.S.C. 102(b) as allegedly fully anticipated by U.S. Patent No. 5,177,353 A1 to Schiller (hereinafter "Schiller"). Without acquiescing to the propriety of the rejection, claims 1, 9, 10, 28, 34, and 37 are sought to be cancelled to expedite prosecution and thereby render the rejection moot with respect to these claims. With respect to still pending independent claim 27, however, Applicants respectfully disagree and present the following remarks.

Schiller does not teach or suggest all of the elements of independent claim 27, as amended. For example, Schiller does not teach or suggest a light wedge as claimed in independent claim 27. For at least this reason, Applicants believe that independent claim 27, as well as the claims depending therefrom, are patentable. Therefore, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The current Office Action states on page 5 that claims 35 and 36 are rejected under 35 U.S.C. 102(b) as allegedly fully anticipated by U.S. Patent No. 5,726,443 A1 to Immega *et al.* (hereinafter "Immega"). Applicants respectfully disagree. Immega teaches "cycling between three primary colors" sequentially in order to "produce" and "assemble three monochrome red, green and blue images into a full color image" (*Immega et al.*, col. 6, lines 20-29). Immega does not explicitly recite "blue/green" light as recited in claims 35 and 36. Such blue/green light has the advantage of an "increase in the dynamic range of grey scale shading in an image of a print of a finger or palm" (specification, paragraph 72), which is neither taught nor suggested by Immega. For at least this reason, Applicants believe that claims 35 and 36 are patentable. Therefore, Applicants respectfully request that this rejection be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 103***

Starting on page 5, the current Office Action states that claims 2-7 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Schiller in view of U.S. Patent Application No. 2002/0106115 of Rajbenbach *et al.* (hereinafter "Rajbenbach"). The current Office Action states on page 6 that claims 11, 12, and 30 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Schiller in view of Immega. On page 7, the current Office

Action states that claims 13 and 14 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Schiller in view of Immega and in further view of U.S. Patent No. 6,444,969 B2 to Johnson (hereinafter "Johnson"). Finally, the current Office Action states on page 8 that claims 16 and 32 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Schiller in view of Johnson. Without acquiescing to the propriety of the rejection, claims 2-7, 11-14, and 16 are sought to be cancelled to expedite prosecution and thereby render the rejection moot with respect to these claims. With respect to still pending claims 30 and 32, however, Applicants respectfully disagree and present the following remarks.

Neither Schiller nor any of the other cited documents (Rajbenbach, Immega, or Johnson) teaches or suggests, alone or in combination, all of the elements of independent claim 27, as amended. For example, neither Schiller nor Rajenbach, Immega, or Johnson teaches or suggests the use of a light wedge as claimed in independent claim 27. For at least this reason, Applicants believe that independent claim 27, as well as the claims depending therefrom (including claims 30 and 32), are patentable. Therefore, Applicants respectfully request that these rejections be reconsidered and withdrawn.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael V. Messinger  
Attorney for Applicants  
Registration No. 37,575

Date: September 8, 2003

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600